

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

NICHOLAS JONES,

Defendant.

Case No.: 2:16-cr-242-GMN-CWH

ORDER

Pending before the Court is Defendant Nicholas Jones's Motion for Pre-Trial Release under 18 U.S.C. § 3145(b).¹ (ECF No. 30).

On April 20, 2016, a Criminal Complaint was filed against Defendant for Count One of Conspiracy to Interfere with Commerce by Robbery, in violation of 18 U.S.C. § 1951, and Count Two of Use of a Firearm During and in Relation to a Crime of Violence, in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2. (Complaint, *United States v. Jones*, 2:16-mj-00278-PAL (D. Nev. Apr. 20, 2016), ECF No. 14). Defendant had his Initial Appearance before Magistrate Judge Peggy A. Leen on the same day. (Mins. Initial Appearance, *United States v. Jones*, 2:16-mj-00278-PAL (D. Nev. Apr. 20, 2016), ECF No. 1). At Defendant's Initial Appearance, the Government moved for detention, Defense Counsel argued for release, and ultimately, Judge Leen ordered Defendant detained. (*Id.*); (*see also* Order of Detention, *United States v. Jones*, 2:16-mj-00278-PAL (D. Nev. May 3, 2016), ECF No. 18). On August 3, 2016, Defendant was indicted by the Federal Grand Jury sitting in the District of Nevada on the Conspiracy to

¹ Pursuant to the Local Rules of Practice for the United States District Court for the District of Nevada, Defendant's motion should be entitled Motion for "Review of Magistrate Judge's Detention Order." D. Nev. LR IB 3-5. Accordingly, the Court will refer to the Motion as such in this Order.

1 Interfere with Commerce by Robbery charge. (ECF No. 1). On August 12, 2016, Defendant
2 was arraigned on the Indictment and pled not guilty. (ECF No 33).

3 Prior to the Indictment, on July 27, 2016, Defendant filed a pro se Motion for Review of
4 Magistrate Judge's Detention Order. (Mot., *United States v. Jones*, 2:16-mj-00278-PAL (D.
5 Nev. July 27, 2016), ECF No. 26). On August 5, 2016, the Government filed a Motion to
6 Strike Defendant's pro se Motion because parties who are represented by counsel may not file
7 pro se motions. (ECF No. 28). On August 8, 2016, the Court granted the Government's Motion
8 and struck Defendant's Motion. (*See* ECF No. 29). On August 12, 2016, through his counsel,
9 Defendant filed the instant Motion for Review of Magistrate Judge's Detention Order. (ECF
10 No. 30).

11 Title 28, United States Code, Section 636 provides that a party's motion for a District
12 Judge to reconsider a Magistrate Judge's Order shall be served and filed within fourteen days of
13 the Magistrate Judge's Order. 28 U.S.C. § 636(b)(1). *See also* D. Nev. LR IB 3-5. Here,
14 Magistrate Judge Leen ordered Defendant detained on April 20, 2016, and the Order of
15 Detention was served on Defendant on May 3, 2016. (Mins. Initial Appearance, *United States*
16 *v. Jones*, 2:16-mj-00278-PAL (D. Nev. Apr. 20, 2016), ECF No. 1); (Order of Detention,
17 *United States v. Jones*, 2:16-mj-00278-PAL (D. Nev. May 3, 2016), ECF No. 18). Even if the
18 Court gives Defendant the benefit of the date that he originally filed his Motion on July 27,
19 2016, this date is still over two months after the Magistrate Judge's Detention Order was filed.
20 Accordingly, the Court denies Defendant's Motion for Review of Magistrate Judge's Detention
21 Order as untimely.

22 This ruling does not foreclose Defendant's opportunity to file a motion to reopen the
23 detention hearing with the Magistrate Judge based on any new information. 18 U.S.C.
24 § 3142(f)(2) ("The [detention] hearing may be reopened . . . at any time before trial if the
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1 judicial officer finds that information exists that was not known to the movant at the time of the
2 hearing and that has a material bearing on the issue [of detention]”).

3 **IT IS HEREBY ORDERED** that Defendant’s Motion for Review of Magistrate
4 Judge’s Detention Order (ECF No. 30) is **DENIED**.

5 **DATED** this 16 day of August, 2016.

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Gloria M. Navarro, Chief Judge
United States District Court
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